



A COMPARATIVE ANALYSIS OF THE SOCIO-LEGAL SITUATION OF DETAINEES BETWEEN TWO COUNTRIES

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ABSTRACT

In the public and judicial administration, the management of penitentiaries is one of the major challenges of governments, an irreversible thermometer of respect for human rights in general and detainees and prisoners in particular. The prison standards in the social and legal conditions are not guaranteed to detainees and prisoners in some countries. However, in the organizational performance of jail and prisons, offering good living conditions to prisoners is a legitimate right. This research compares the detainees in Butembo/Africa with the detainees in Baguio/ Philippines. Through the comparative analysis in the quantitative approach, it reveals the extent of social and legal conditions of detention and survival of the detainees and prisoners inside the jail. In addition to direct observation, a questionnaire was provided to respondents. The results showed that the social and legal conditions of detention in Butembo and Baguio differed on the law, including 17% in Butembo / DRC against 80.6% in Baguio / Philippines. Both countries are varied, as to the social; Butembo illustrating mediocrity on reception facilities, food situation, health, sports and recreation, work, training and morale. Hence, there is a need of great deal and efforts in promoting the rights of the detainees and prisoners. Meanwhile, in the Philippines, the rights of detainees and prisoners are at least kept to a minimum. It is a condition which Butembo/DRC in Congo and some other countries may carry out.

KEYWORDS: Crime, law, detained, prison, [conditions] prison, social, legal.

I. INTRODUCTION:

I.1. Background and magnitude:

At the outset, detainees should be understood to mean any person deprived of their freedom of movement and acts because of a judicial measure of prevention or repression. The place of any prisoner is prison. Nevertheless, deprivation of liberty does not mean deprivation of rights. However, as Penal Reform International points out (Dec. 1999), conditions of detention in prisons [in Africa] pose a threat to the life and health of the prison population. For a long time, there has been a strong discrimination in the provision of legal and social conditions for female prisoners. As a result, in almost all prisons [in Africa], the reality is that the detainees are skeletal: a state of the place quite evocative of the pitiful misery that is rampant. The death rate being high, some call prison, "a death place". In Cameroon, this situation led to the Action of the Christians for the Abolition of Torture (ACAT, Dec. 2011) to conclude that prison should no longer appear as the only solution to punish an offense [...]. To remove a person from the world of freedom, isolate and keep him in inhuman conditions is revolting [...]. Prison should be solution in strict necessity.

Around the world, authors wrote about the horrible living conditions in prisons. El-Hadj Badara Ndiaye (2004) worked on the fundamental rights of detainees in Senegal; Pierre Claver Nizigiyimana (2012) on improving sanitary conditions in Burundi's prisons; Aglaé de Chalus, (2018) had published in 'La Croix' on the revolt of the prisoners of Rio de Janeiro in Brazil, consequence of overcrowded prisons. We differentiate ourselves from all these authors by analyzing the legality and regularity of detentions, then the effectiveness of the social care of detainees of Butembo in DR Congo, and Baguio in the Philippines.

In 2004, the Human Rights Section of MONUC (United Nations in Congo) produced a very alarming diagnostic report on the detention in the DRC's jails and dungeons. The minimum of national and international standards of detention and life imprisoned were not respected: overcrowding, great hunger, many deaths recorded. As a result, another report said "special report on malnutrition" in prisons had been produced [2005], sounding the alarm with recommendations.

In the 21st century, it's unfortunate that conditions of detention in DRC prisons are unacceptable, whereas in other places, like the Philippines, the authorities are fighting for the best of detainees. Dietary deficiencies, hygiene and health care are transforming the Republic Democratic of the Congo's prisons into veritable deaths. To be sentenced by a court, sometimes for mild acts, is equivalent to a death sentence. "The health of the detainees remains deplorable as the state no longer offers medical care. [...] Majority of detainees are weakened by malnutrition; diseases find fertile ground for deadly ravages", confirms the same UN report.

Overpopulation, hygiene and health are common issues to jails and prisons. Aside from these, there are other severe problems that jails and prisons encounter today for example, a net separation between adult detainees or prisoners and juveniles are violated, rights and basic needs of the detainees and prisoners are not observed. These conditions then motivated the researchers to conduct the study.

A visit and observation to Kakwangura Jail in Butembo / DRC, the worst was confirmed: the prison is a real death. While a visit in Baguio City Jail in the Philippines is far a better situation than Butembo's Jail.

Meanwhile, this study is guided with the questions: to what extent are the legal and social conditions of detention and survival available to detainees in the DRC and the Philippines? Are there any continuing cases of [serious] violations of the rights of detainees in both countries? What lesson can one country learn from the other as regards the managerial management of prisoners?

I.2. Literature review:

This section explains and gives more insight into different views: the psychoanalytical theory, present the literature work fits with Sigmund FREUD's psychoanalytic theory of crime, feelings of unconscious or conscious guilt. What's this theory of crime? This theory has three elements:

- The person who commits or plans to commit an act, a crime by the "me": criminal;
- the person who undergoes the act executed against it, another one or the "that": Victim;
- The person / group of people [community] who will suffer the effects of the "superego" act.

Claims and arbitration begin: problem, causes, circumstances responsibilities, and penalties.

Generally for Freud, every antisocial act hurts others; it cannot be committed by people having all their: they would experience the same painful feelings as their victim. If they do, then they have lost all their senses. *They are criminals with feelings of unconscious guilt* of their act [insane, epileptic, possessed, child ...]. The criminals must, before their conviction, be examined. This "unconscious sense of guilt" comes, says Freud, from the Oedipus complex: "A reaction to two great criminal intentions: killing the father and having sex with the mother" (135).

If, on the contrary, antisocial acts are committed by people in all their senses, it is because they have a defect of loving evil, which satisfies a pressing need in them [libido]. *They are criminals with feelings of conscious guilt*. And speaking of culpable criminals, S. Freud says: "It is for these criminals that criminal laws are made" to punish, correct and re-educate them. It thus excludes from its considerations criminals who have developed no moral inhibition or "those who believe they are authorized to act as they do in their struggle against society" (Freud 1916, 171).

The criminal in conscious guilt feeling is distinguished by consciousness secondarily to the act in terms of remorse or repentance, and that it presents itself in the self in terms of moral conscience as a secondarized process. By the way, "criminals out of guilt" is probably, says Freud, the matrix form of the other two

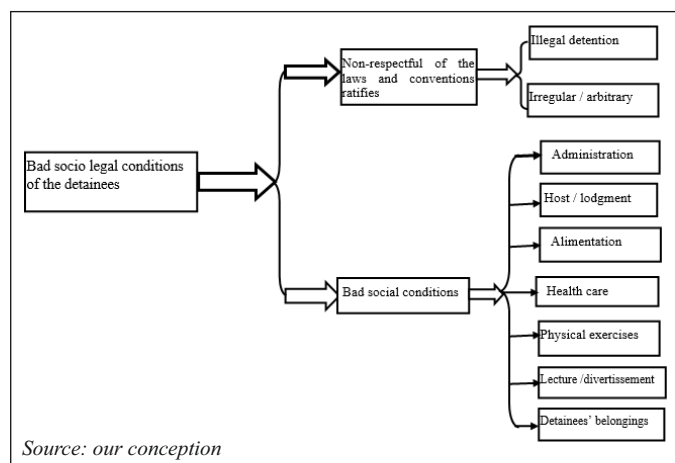
in the paradoxical defense implemented and which implies a passive / active reversal of the feeling of guilt ": to be guilty of violence or crime to not feel guilty". Our study fits at this level, not to know the cause and the circumstances of the crimes, but to examine the degree of offer of rights of the detainees, in turn "victims" of violation.

I.3. Purpose, objectives and interest of research:

The aim is twofold: to advocate the standards of detention, rights and survival of prisoners; significantly reduce the consequences of poor prison conditions, such as overcrowding, promiscuity, health care, hunger and, in large measure, death in prison. The interest is threefold: to qualify the scientificity of our approach, to recover the rights of the detainees and to indirectly save the human lives. The supply of prison conditions must first take off from mediocre to good in DRC, and from good to better in the Philippines. Our study shows the degree of offer and respect for inmate conditions. Hence, here is the comparative method.

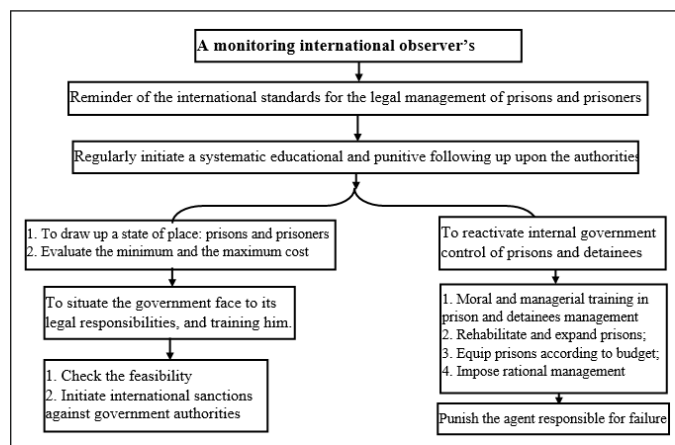
I.4. Schematic design of detainees' problems and solutions:

I.4.1. Diagram of main problems of detention of persons:



From different theories on the causes of crimes, E. Durkheim speaks in the anomic about breaking down of norms; Max Weber evokes in the bureaucracy the problem of leadership; A. Comte and Platon see morality or lack of superior spirit. Leaned by our study, detainees suffer atrociously in prison for these three problems: non-respect of the laws, politics and morals of the leaders.

I.4.2. Strategic plan to improve the socio-legal conditions of detainees:



To the socio-legal problems of detainees, governments seem insensitive on the grounds of means. Two ways of solution. 1. Internationally, pressure will facilitate a life-saving and durable solution: a) a training that reminds governments of ratified, enforced international standards. (b) a regular inspections' monitoring to ascertain the current state of prisons and detainees, budget and make government responsible; (c) to impose rational management, and to punish stubborn leaders. 2. at the national level: a) design and train a joint prison monitoring team; (b) adopt a cyclical inspection system; (c) rehabilitate, expand and equip prisons with regard to demography and punishing.

II.2. Legal framework of detention of persons:

Specific standards, both national and international, provide the framework for the protection of persons accused of crime and / or deprived of their liberty by the authorities of their country. It still to know in what conditions people are detained in each country which ratified the standards.

II.2.1. International and regional standards:

The treatment of detained / imprisoned persons (U.N, 2016) is the subject of

International Human Rights Instruments, adopted in respect of laws and human dignity of persons accused of offenses.

As to conditions of detention, the norms are contained in the Body of Principles for the Protection of All Detained / Imprisoned Persons and the Minimum Rules of Procedure for the Treatment of Prisoners (abbreviated RM). These are: non-respect of dignity and human worth, torture, discrimination; records management, categorization of prisoners, separation and hygiene of premises, people, clothing; food, physical and sports activities; health services, restrictions, discipline and sanctions, coercion, searches of detainees and cells, information and right of complaint, contact with the outside world, library, religion, guardianship personal effects of detainees, notifications, investigations, transfer, internal and external inspection ...

All these elements are contained in: 1. The United Nations Standard Minimum Rules for the Treatment of Prisoners (General Assembly Mandela Rules 70/175, adopted on 17 December 2015); 2. Provisions for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (United Nations Economic and Social Council Resolution 1984/47, adopted on 25 May 1984); 3. Principles for the protection of all persons subjected to any form of detention or imprisonment (UN General Assembly Resolution 43/173 adopted on 9 December 1988); 4. Basic Principles for the Treatment of Prisoners (UN General Assembly Resolution 45/11 adopted on 14 December 1990); 5. Kampala Declaration on Prison Conditions in Africa (UN Economic and Social Council Resolution 1997/36, adopted on 21 July 1997); 6. Treatment of aliens in criminal proceedings (United Nations Economic and Social Council Resolution 1998/22, adopted on 28 July 1998); 7. Arusha Declaration on Good Practice in Penitentiary Matters (UN Economic and Social Council Resolution 1999/27, adopted on 28 July 1999); 8. United Nations Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (UN General Assembly Bangkok Rules 65/229, adopted on 21 December 2010).

All principles also examine the conduct of sanctions other than detention and restorative justice, the conditions of arrest and life in prison, the deference of the convicted person who is discriminated against. It will be observed: the minimum and maximum rules of deprivation of liberty and protection of national and foreign prisoners [in African prisons], the proper guarding of their property. We will respect their physical integrity and never torture them or subject them to cruel, inhuman or degrading treatment, rather provide them with food rationing, health care, space for internal movements and sports. Respect for their rest and sleep, guarantee the rights of those sentenced to death, and prevent offenders from extrajudicial, arbitrary and summary executions; finally protect women, minors and child victims and witnesses of crime. Prison doctors are also required to observe the ethics of protecting the privacy of inmates who have consulted with them.

II.2.2. National standards of the Congo:

They are essentially contained in Ordinance No. 344 of 17 September 1965 on the organization of the Prison System (RP) and in the Judicial Organization Order 87-025 of 31 March 1987 on the management committees of penitentiary establishments. According to Article 5 of Ordinance No. 344, there are military prisons next to civilian prisons.

With regard to civilian prisons, the law provides:

- A central prison at each seat of a Court of Appeal, ie each provincial capital.
- A district prison at each seat of a district court, at the district headquarters, except where there is a central prison.
- A police prison at each seat of a court of peace, in each territory or commune, except where there is a central or district prison.

In fact, many were abandoned because they fell in ruins and closed for obsolescence. Nevertheless, of a total of 145 prisons, 52 are still used at least. There are also detention camps intended in principle for those sentenced to long prison terms. The best known is that of Buluwu, Katanga, sometimes referred to as a "high security prison" and which often houses a large number of political prisoners. Article 530 of the Code of Military Justice established military prisons in the DRC. The dilapidation and lack of maintenance of the buildings and prisoners led to the closure of these prisons and the transfer of military detainees to civilian prisons; which contributes a lot to their overpopulation. However, in these civilian prisons there is no categorized separation of civilian and military detainees. This phenomenon exposes former to the military pressures.

Moreover, Article 39 of Ordinance No. 344 stipulates that minors are only kept or imprisoned in the prison if there is no guarding and educational establishment in the prison. State within the jurisdiction of the district court. The lack of means and the state of obsolescence of these institutions almost all condemned them to close, resulting in an almost systematic recourse to the imprisonment of minors in adult prisons: another dangerous phenomenon.

Ordinance No. 344 also lists the rights that any detainee or prisoner may claim. It is broadly in line with the minimum rules on the treatment of detainees except for

disciplinary sanctions. While the Minimum Rule 32, for example, prohibits corporal punishment, solitary confinement (without prior notice to the doctor), the above-mentioned order in his art.78 recommends handcuffing for 7 days, confinement for 45 days.

The internal organization of prisons and detention centers is governed by the law of 31 March 1987, which stipulates that there must be a management committee in each prison and prison to administer the prison. This committee is composed of the prison director, his deputy and two administrators. The director coordinates and supervises the whole. It has the power to refuse the imprisonment of an inmate if the titles provided for in articles 30 and 34 of Ordinance No. 344 of 17 September 1965 are not duly presented to him.

Our study examines the social-legal issue in Butembo detainees in the DRC and Baguio in the Philippines, compared to the national standard of each country, and the texts of the international standard duly ratified by the two countries.

II. METHODOLOGY:

Through externally and internally regulations for inmates, we analyze comparatively and on the basis of statistics, the situation of Butembo and Baguio detainees.

Upstream, we used the field survey, the Observation and the questionnaire. At times, we used the documentary technique by consulting the registers of the detainees and checking the regularity of the cause of their detention. Thus, a categorized questionnaire was given to the administrative and judicial authorities in Butembo and Baguio, then to detainees as follows: 13 men out of 7 women in Butembo; 10 men out of 10 women in Baguio. Our quota sample was therefore 46 respondents at both sites. We had distanced the detainees to avoid the communicative influence in answering. Downstream, we summed answers provided and calculated statistical percentages, for sustaining the comparative method and concluded.

III. RESULTS OF RESEARCH:

Table 1. Area, demographic population and prison detainees in Butembo and Baguio

A. Entities	Demographic Population						Carceral Population					
	Butembo/DRC, 190,3km ²			Baguio/Philp, 57,5km ²			Butembo/DRC			Baguio/Philippines		
Population	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total
0-18	209.850	217.619	427.509	110.517	165.776	276.293	--	--	--	--	--	--
19-59	111.346	204.376	315.722	82.888	138.146	221.034	543	14	557	475	88	563
60 +	55.975	57.366	113.341	16.578	38.681	55.259	33	1	34	31	8	39
Total	377.171	479.401	856.572	209.983	342.603	552,586	576	15	601	506	96	602
Total of detained population 429063+276293 = 705.329							1,203					
Sample	3	1	4	1	1	2	13	7	20	10	10	20
Total respondents	46											

Sources: Civil Status Office at Butembo City Hall and Prison, then Statistical Office and Baguio Prison

The population of Baguio for 2018 is not identified since the Philippine Statistics Office (PSA) produces it every 5 years. Thus, we produced numbers in table of the demographic projection according to the formula: $Pop_t = Pop_o X (1+t)^n$ with conscious error as follows: the population of 2015 (345,366) compared to 5 years, raised to 3/5th of 3 years. The product is added to the 2015 workforce to find Baguio's probable workforce for 2018. Our target population is aged between 18-60 years over, committing a condemnable crime: 429,063 of Butembo and 276,293 of Baguio, total is 705.329 people. From them 1,203 detainees, that is 1.71 ‰. Then, we extracted a random sample of 46 people from 24 for Butembo and 22 for Baguio.

View the extent of the city and the size of the population, Butembo is an uninhabited city: 1,143 inhabitants/km², Baguio having 5,251 inhabitants/km². In contrary, Butembo prison is more populated (601 detainees out of 429,063 hab/adults) than Baguio (603 detainees out of 276,293 hab/adults). In both cities, main age of inmates varies between 19 and 59 years for 93/100% overpopulation to be examined: capacity of reception, irregularities of detention, little control or inspections than envisaged, the large number of pending files or more of the convicts.

Table 2. Physical Description of Penitentiary Institutions in Butembo and in Baguio

N°	Descriptive and standard indicators required		Butembo district		Baguio district	
	Indicator's identification	Expected Norms	Realities on the field	Degree of realities	Realities of the field %	Degree of realities
A. Data on the Penitentiary Administration						
01	Warden et Assistants	Legal form 3	1+1	2 = 67	1+2	3 = 100
02	Complementary Structures	Minimum 4	1+2	3 = 70	1+3	4 = 100
03	Structure of detainees support	Minimum 3	1	1 = 33	2+1	3 = 100
04	Structures of prison support	Minimum 3	1+1	2 = 67	2+1	3 = 100
05	Connect structures	As well as possible	■	■	■	■
06	Other structures	■	■	■	■	■
B. Management of penitentiaries' houses						
01	Concession surface	It depend prevision	Non		Non	
02	Number of buildings, state	As possible, Excellence	1bon	1 = 25	Buildings 6	TB = 75
03	Internal / external security	Complete	1 Ancient	2 = 50	2	2 = 100
04	Number of departments	2	1	1 = 50	2	2 = 100
05	Departments by categories	6	1	1 = 17	2	2 = 34
06	Number of quarters or blocs	As well as possible	6	4 = 32	6	6 = 48
07	Number cells : Prison/men Prison/women	At initial ±200	8	8 = 4	80	80 = 40
		None	2	2 = 1	20	20 = 10
08	Surface per cell or room	Per individual 4m/4m	1,5/1,5m	37,5	3/4m	3 = 75
09	Occupants	Individual 1/cell	20/cellule	500%.	6/cellule	600%

Sources: Our field interviews with officials more than our observation

In prison administration, the 4 complementary structures are: the internal / external security of the detainees and agents, the store food, the health care and sports, and the litigation and movement. For detainees support, we've: welfare, morality and vocational service, and trades apprenticeships. Finally for prison support, we've: state and private supervision and monitoring to the structure.

A community initiative ceded to the State, Kakwagnura is not built in conformity to universal standards, even compare it with Baguio. Both prisons have the prob-

lem of categorizing prisoners by age and reason for detention. In Butembo, no separation of prison and detainees men-women; the big criminals are detained with the simple defendants (condition respected at 17% -Butembo and 34% -Baguio). By the way, in Baguio, prisons and detainees males and females are separated; but not by age and categories of crimes. Higher criminals and lowers are detained together. The overcrowding is decreed: 20 people per cell of 2 m² surface to 2.5m / Butembo, and 6 subjects / cell 3/4 m² surface to 2.5m, as occupancy rate in the prison from Baguio.

Table 4. Legal conditions of detention and social care

International laws and rules		Butembo city respondents										Baguio city respondents									
Questions	Indicators	Yes	No	!?	Total	10	25	50	75	100	Total	Yes	No	!?	Total	10	25	50	75	100	Total
1. Knowing law for :	Detention H F	6	8	2	16							4	6	1	11						
		2	5	1	8							1	6	4	11						
	Host/visitation H F	5	8	3	16							5	5	1	11						
		2	4	2	8							1	5	5	11						
	Social, financial and sanitary	5	9	2	16							5	5	1	11						
		2	4	2	8							6	4	1	11						
2. Respectfulness of law at :	Detention	3	13		16	5	3	1			9/16	5	4	2	11	1		2	3	1	7/11
		1	7		8	3	2	1			6/8	7	1	3	11	1		2	2		5/11
	Welcome	2	14		16	5	2	1			8/16	7	3	1	11			1	3	4	8/11
		1	7		8	5	2				7/8	6	1	4	11		2	1	3		6/11
	Social, financial Management		16		16						0/16	6	4	1	11				3	5	8/11
			8		8						0/8	5	2	4	11	1	1	1	2		5/11
	Food provided	1	15		16	3	1				3/16	9	2		11			1	4	5	10/11
		1	7		8	2					2/8	10	1		11			1	4	6	11/11
	Health care and medicament	4	11	1	16	4	2	1			7/16	9	2		11			2	4	5	11/11
		2	5	1	8	3	1				4/8	8	1		11				5	6	11/11
	Inmates' uniform		16		16						0/16	9	2		11				4	7	11/11
			8		8						0/8	8	3		11				5	6	11/11
	Departments, categories	2	13	1	16	2	1				3/16		2	9	11	1	1	2	4	3	11/11
		1	7		8	1	1				2/8	1	3	7	11			3	4	4	11/11
	Playground, sport and game		16		16							1	9	1	11						
			8		8							5	5	1	11						
	Adapted PG and game		16		16							7	3	1	11						
			8		8							8	2	1	11						
3. Knowing and respectfulness of laws which specify the conditions of detainees on:	Prison construction	1	4	11	16							1	1	9	11						
		1	2	5	8							1	2	8	11						
	Measurements from standard		5	11	16							3	7	1	11						
		1	1	6	8							3	5	3	11						
	Existence of Dormitory BDG	16			16							11			11						
		7		1	8							11			11						
	Existence of refectory BDG		16		16							11	2	4	11						
			8		8								11		11						
	Departmentalization of surface	2	13	1	16	2	1				3/16	7	3	1	11		3	6	2		11/11
		1	7		8	1					1/8	8	2	1	11		4	2	5		11/11
	Playground and game existence		16		16	1	1				2/16	6	4	1	11		1	2	4	3	11/11
			8		8	1					1/8	1		10	11			3	3	5	11/11
	Sport and game categories		15	1	16	2	1				3/16	2	1	8	11		1	2	4	3	11/11
		1	7		8	1					1/8	8	2	1	11			3	4	4	11/11
	Exist benefit activities	1	14	1	16	4	2	1			6/16	9	1	1	11		1	1	6	3	11/11
		1	7		8	2	1				3/8	8	2	1	11			2	5	4	11/11
	Trade of jobs and professions		15	1	16						0/16	10	1		11	2		4	4	1	11/11
			8		8						0/8	7	1	3	11		2	3	5	1	11/11
	Belongings	5	10	1	16	5	2	1			8/16	8	2	1	11				6	5	11/11
		2	6		8	3	1				4/8	10	1		11				5	6	11/11
	Total scores	79	360	54	493/528	55	24	6	00	00	85/312	258	129	101	484	6	16	44	103	87	258/275
	Percentages	14,96	68,1	11,2		17,6	4,96	1,2	00	00		53,3	26,7	20,9		1,2	3,3	9,1	21,3	18	

Source: our research.

In the general view of the table, detainees even some authorities are unaware of the ratified laws on prisons and the rights of prisoners enacted internationally. Important disparities are observed between Butembo/DRC and Baguio City/Philippines [hatched in green]. A 53.3% of Baguio detainees know these laws and rights [a significant advance], 26.7% do not know them. In Butembo, on the other hand, barely 14.96% of detainees know of laws and their rights in the prison against a considerable staff 68.1% of the uninformed detainees.

As for the respect of these legal and social conditions of prisoners and their assumption of responsibility, always the report has disparity. Although in both countries there isn't one that fulfills 100% of the requirements of the standard, the administrative and judicial authorities have been practicing better to better Baguio, sometimes for Butembo where the mediocre seems to be illustrated. Nevertheless to both, the detainees are informed of their rights and duties at the reception after filling in the guardian's form. At the prison administration of Baguio,

the clothes are replaced by the uniforms [100%], fact in no way thought in Butembo [00%]. Money and other valuable goods are recorded, to be returned to 100% in Baguio, 10% to Butembo. A copy of the prison regulations and of rights are handed to him. It's oriented in his cell to his bed or a bedding of minimal sanitary conditions is reserved for him [100% in Baguio, 00% in Butembo]. He is then entitled to at least two meals a day, to health care and, in the complicated case, transferred to appropriate health care, overhead [90%-Baguio and 12.6%-Butembo]. The waking hours, morning watch, sports, recreation, meals, rest, family visit and inmate support services are well regulated.

Considering the standard of rights and social status of detainees, legibly the infrastructures were erected without real demographic forecasts. For lack of space, Baguio has a two or three-floors prison. In addition to a cellar, a sports court, a library, a training room trades and a chapel meeting 80.7% of the standard had been built for clean purposes, unknown to Butembo. The standard is slightly serious: 6 individuals per cell of 3/4 m² surface and 2.5m height; the mediocre observed at Butembo: 20 detained per small cell of 2 m² surface area at 2.5m. As a result, detainees are really stifled, others sleep outdoor. In additional, no project of moralization, apprenticeship of trades or additive activities is thought of/or initiated by the authorities in favor of detainees in Butembo, except the chaplaincy of churches. Congratulations to Adventists, Catholics.

IV. DISCUSSION:

This study examines the degree of availability of the legal and social conditions of detention and survival of detainees in the DRC and the Philippines. Unbearable cases and continuing [serious] violations of detainees' rights between the two countries will be pinned. As a result, one country would receive lessons from another country about the managerial management of prisons and their tenants, given the social and human interest of our study and the trend of results.

In fact, by operationalizing lessons on corrections, institutions and field operations, the data above reveals areas of improvement to some extent. Although prison and jail administration and supervision are expensive (Malick BA 2010) and prison systems in Africa are in crisis, says KATUREEBE TAYEBWA, the DRC authorities seem to have neither the concern of its citizens for the respect of human rights nor the thought for the prisoners. Understandably, the worst is not the uniform of the detainees that will make a country highly indebted. Two groups of facts seem more serious. First the response to primary needs as priori-

tized by Maslow: eat and drink, dress and heal; the dormitory for a good sleep. Then, the prediction de-stressing the detainees by precise moments of sport, recreation and activities deeply occupying their reason: activities generating revenue, moralization, reading, meditation preparing for social reintegration. These conditions are neither respected nor thought. However, not to give food [00% in Butembo] nor to treat a prisoner [6/24 of which 25%] is predisposed and rushed to death in prison. The overflow of prisons still decried throughout the world, as in France (Emmanuelle REJU, 2005) and degraded the lives of prisoners. It mustn't shake authorities and magistrates in usual inspection to realize the infra-red situation and propose salutary solutions.

On the legal side, a failure is confirmed, when, quoted by Renato Pinto (2012), Marcus says that the prison should not be a trash where human persons are thrown like rubbish that we don't want to recycle. Good legal measures should be found quickly.

On the social side, the surviving detainees of this ordeal has "difficulties of rehabilitation to life outside", Sarah DINDO (2014) because of the complex access to social and sanitary services of common law when it's not a true refusal of support, discrimination in access to employment... it'll not come out reeducated rather more destroyed, more cruel, including the agents of justice and prison administration, its target. The outgoing undergoes and internalizes the stigma that seems to carry indefinitely the one who "has". He proves he deserves freedom, (Serge Portelli & Marine Chanel, 2014) putting pressure not favorable to the reintegration or the exit of delinquency.

For knowledge of the laws on detainees and their checking and application by the judicial and administrative authorities on detainees in two prisons, simple observation decided. Although not usual to social facts and phenomena, the statistical operations of the scores are to report to the product of the subjects. In Butembo, affirmations of "yes" collected are 79 out of a cumulated number of 24 subjects, 22 headings producing 528 possibilities, the "no" or ignorance and non-respect of the laws: 360 scores or 68.1%, and the indecision of 54 scores for 11.2%. For Baguio City, the same calculations were obtained on 484 possibilities of 22 subjects, 22 times. The statement took on more value: 258 scores or 53.3%, the negation having won 129 scores giving 26.7% and the 101-track indecision is 20.9%. Here, Congolese authorities are also committing a crime to not respect the legitimate and inalienable right detainees. They have lessons to receive.

Table 5. Discussion of degrees of legal and social conditions of detainees

Areas of prisons and scores/ degree		Percentages and correspondent degrees					Score total
		10%=36°	25%=90°	50%=180°	75%=270°	100%=360°	
Baguio City	Scores	6	16	44=158,4	103	87	258/275
	% and degree	1,2=4,32°	3,3=11,88°	9,1=32,76°	21,3=76,78°	18=64,8°	
Butembo City	Scores	55	24	6	00	00	85/312
	% and degree	17,6=63,36°	4,96=17,86°	1,2=4,32°	00	00	

Source : table supra

It is very unfortunate that it's the very low degree of knowledge and enforcement of detainees' laws that wins the weight of 63.36° and that the average of 1,800 takes only 4,32°. The respect of vital social conditions of detainees between 10 and 25%, rarely to 50% as follows: 17.6% is 63,360, 4.96 = 17,860, finally 1,2 = 4,320 is not enough. Considering two highest scores for each entity [between 10% and 25% is 17.6 + 4.96 = 22.56% or 81.220 for Butembo] and [between 75% and 100% giving 21.3 + 18 = 39.3% or 141.480 for Baguio], we realize that Congo is so below average in the management of prisons and detainees. A glimmer of efforts to raise score and degree of offering the minimum of conditions to detainees is not visible, at the current pace of politics and the economy of the country as highlighted by Beatrice JALUZOT (2018). To condemn a person and not to put him in the required conditions is not justice either.

CONCLUSION:

Respect for the law and the rights of the people are the honor of the country. Given the average treatment of detainees as shown in the table above, it is seen, in relation to our initial questions. In Baguio, the degree of supply of socio-legal conditions is very good, and very poor in Butembo / DRC. In Baguio, the 75% with 76.78° and the 100% made 64.8°. On the other hand, Butembo is in a mediocre condition with the interval of 10% and 25% that is the highest offer: 17.6% = 63.36° and 4.96% = 17.86°, reality confirming the prison a true area of death: no vital condition is respected at least. Therefore, there is perpetuity of [serious] violations of the rights of the detainees, this is an opposite situation in Baguio.

Particularly in Butembo there is reason to reaffirm the strategic recommendations to restore detainees' rights into minimum. Hence, the international community must regularly monitor the human rights of the prisoners and detainees in the DRC. It must also extend its actions to the dungeons of specialized services related to the agencies such as the National Intelligence Agency and the Military Detection of Antipatriotic Activities [DEMIAP], which often still use torture.

The Congolese authorities should learn from some of the thriving prisons and jails of the Philippines specifically on the rational administration and management of human rights of detainees and prisoners.

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